

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

Minutes - The Faculty Senate
Friday, October 9, 1970
Faculty Conference Room, sixth floor of the Library

Minute 1 Dr. Bright, Provost and Vice President for Academic Affairs, presided in the absence of Dr. Elliott. The meeting was called to order at 2:10 p.m. The floor was then assigned to the Chairman of the Executive Committee.

Special Professor Stevens moved a suspension of the rules of order so that the new
Rule of Executive Officer of the Consortium, Dr. Barnaby C. Keeney, might speak to the
Order-- Senate. The motion was seconded, there was no objection, and it was so ordered.
Dr.

Keeney Dr. Keeney began his report by saying that he had been in office only about a month and had been trying to find his way around the Consortium. He had read the appropriate documents, including the articles of incorporation. He had read about the new things that were going to be done about five or six years ago, but not a lot has been done. He suggested that in these days the budget was growing more rapidly than income. All of the institutions in the Consortium with the possible exception of George Washington were in serious financial difficulty, and if GW wasn't it would be. With the climate in the country today, there wasn't going to be any great increase in income for higher education, in part because of serious unsolved national economic problems. If the Consortium had available about \$10,000,000 it could do a lot of interesting things, but Dr. Keeney didn't think that anyone would give \$10,000,000 to the Consortium until it had done interesting things without additional funds.

One accomplishment has been cross registration, another the cross use of libraries. Additionally, the librarians were beginning to think of acquisition and purchasing coordination. What was needed also was coordination of courses and programs. An inordinate number of small courses (up to 50% of the courses have an enrollment of 10 or less in one university) were being offered in these institutions. Some courses were not particularly advanced nor individualized. Some might be given every other year. Some might be dropped entirely. He suggested that all departments could meet with their equivalent departments and coordinate graduate programs, thus not only saving money but improving programs. Several weak courses might be consolidated into one good course. In some cases a Consortium department might be developed. Distinguished faculty members could serve all institutions instead of just one as Consortium professors.

Dr. Keeney continued by saying that library coordination was a real possibility. There was not a single first rate library in the Consortium, although there were several first rate collections. The universities have depended on the Library of Congress for advanced research of faculty. The Consortium Coordinator would need to know how faculties were planning so that responsibility for collections could be divided.

Few of the institution computers seem fully used. Dr. Keeney would like to see a more powerful computer but no single institution was likely to get a more powerful

computer. By working together through the Consortium all the institutions might have access to a more powerful computer. He said that he was perfectly well aware that if libraries were difficult to coordinate, computers were even more so.

Dr. Keeney summarized by saying that all of these things might save money, improve quality, and add to the level of prosperity. Such achievements might make the Consortium and the individual institutions more attractive to donors, some of whom were turned off right now. He concluded by stating that he would appreciate any suggestions.

In response to a question as to the feasibility of a Consortium library for graduate instruction, Dr. Keeney said that he supposed the idea had been considered. He has perceived a certain reluctance on the part of some institutions to set up a sixth campus, but the idea had to be considered.

- Minute 2 In response to a request by Professor Cottrell, Dr. Bright directed Professor Cottrell to inform the secretary of the corrections required in the addendum to the Annual Report for 1969-70 of the Senate Committee on Administrative Matters.

Professor Stevens asked that the name of Professor Sawitz be deleted from the list of the members of the Hearing Committee.

The minutes were then accepted as amended.

- Minute 3 Professor Perros, Professor Robinson seconding, moved the adoption of Resolution 70/2. Professor Perros, in his report of the reasons for the recommendation by the Educational Policy Committee of Resolution 70/2, read excerpts from the statement of the American Council on Education, "Guidelines on Questions Relating to Tax Exemption and Political Activities," June 19, 1970.

"Recent activities on college campuses have given rise to expressions of concern within colleges and universities and on the part of members of Congress and others that institutions of higher education may inadvertently or otherwise involve themselves in political campaigns in such a way as to raise questions as to their entitlement to exemption under Section 501 (c) (3) of the Internal Revenue Code and as to liability under other provisions of federal law. Activities which would bring into serious question the entitlement of a college or university to tax exemption could undermine the private support of higher education as a whole, so essential to the very existence of many such institutions. For this reason, educational institutions benefiting from the tax exemption should be aware of the problem and exercise care to make certain that their activities remain within the limits permitted by the statute.

"Exemption of colleges and universities from federal income taxes is dependent upon their qualifying as institutions organized and operated exclusively for religious, charitable, or educational purposes described in Section 501 (c) (3) of the Internal Revenue Code. For some years that section has provided that 'no substantial part of the activities of an exempt institution may be 'carrying on propaganda, or otherwise attempting to influence legislation' and further, that an exempt institution may 'not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.'

"By the Tax Reform Act of 1969, the last-quoted prohibition was incorporated in companion provisions of the Internal Revenue Code dealing with the reduction of contributions for income, gift, and estate tax purposes. As interpreted, this provision would deny exempt status to institutions engaging in legislative activities which are substantial in the light of all the facts and circumstances. Additionally, it absolutely proscribes participation in or intervention by an exempt institution in any 'political campaign on behalf of any candidate for public office.'"

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"Educational institutions traditionally have recognized and provided facilities on an impartial basis to various activities on the college campuses, even those activities which have a partisan political bent, such as, for example, the Republican, Democratic and other political clubs. This presents no problem. However, to the extent that such organizations extend their activities beyond the campus, and intervene or participate in campaigns on behalf of candidates for public office, or permit non-members of the university community to avail themselves of university facilities or services, an institution should in good faith make certain that proper and appropriate charges are made and collected for all facilities and services provided. Extraordinary or prolonged use of facilities, particularly by non-members of the university community, even with reimbursement, might raise questions. Such organizations should be prohibited from soliciting in the name of the university funds to be used in such off-campus intervention or participation."

Professor Perros also read a portion of a memorandum issued September 17, 1970, by President William McGill of Columbia University on the subject of the University and political activities:

"The Federal Corrupt Practices Act makes it 'unlawful' for 'any corporation whatever...to make a contribution or expenditure in connection with any election' (including primaries, political conventions, etc.) for federal office. Columbia University is a corporation chartered by the New York legislature. The Corrupt Practices Act carries criminal penalties not only for a corporation which violates it, but also for the officers of the corporation who consent to the violation and for any person who accepts or receives any such prohibited contribution. The courts have decided that free or only partly reimbursed use of facilities or personnel constitutes a contribution. Such contributions in a candidate's campaign constitute participation or intervention in that campaign.

"There must be a clear separation between the tax-exempt educational work of Columbia University and any organized political campaign activities of the members of the Columbia University academic community. The trustees, in a recent communication to the University Senate, affirmed 'that every individual member of the Columbia University academic community has the right, and indeed, the duty, as a private citizen, to express his views on various political issues, and to play a citizen's role in the election process.' But this right does not extend to the use of tax-exempt funds of the University to support the expression of his political views or his participation as a citizen in the election process -- either directly or indirectly by free or only partly reimbursed use of University facilities or personnel."

The following excerpt from Section 501 (c) (3) of the Internal Revenue Code was included in Professor Perros' references:

"An 'action' organization is specifically denied tax exempt status under Section 501 (c) (3). An organization is considered to be an 'action' organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. An organization will be regarded as attempting to influence legislation if it 'contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting or opposing legislation' or 'advocates the adoption or rejection of legislation'. An organization is also an 'action' organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The income tax regulations further define an 'action' organization as any organization whose main or primary objective 'may be attained only by legislation or a defeat of proposed legislation'...."

After further discussion of the resolution by Professor Perros, Professor Robinson, Professor Griffith seconding, moved the following substitute for the text of Resolution 70/2:

1. Neither the name nor seal of the University or of any of its schools or institutions should be used on letters or other written material intended for support for a political campaign on behalf of any candidate for public office, including the solicitation of funds for such purpose or activities in such a way as to imply endorsement by the University.
2. No University office and no Faculty or staff member's office should be used as a return mailing address for the solicitation of funds for political campaigns on behalf of any candidate for public office, or the solicitation of endorsement of candidates for public office.
3. Whenever University duplicating machines, computers or other equipment or supplies are used for non-University purposes, their use must be fully compensated for from private funds.

4. No office employee nor other employee of the University should be asked to perform tasks in any way related to political campaigns for public office while on regular duty.

After discussion of the amendment by Professors Robinson, Allen, Sharkey, Perros, Pock and Dr. Pierpont, Professor Robinson accepted an amendment to the title of the resolution which added the word "campaign" before "activities" and the words "on behalf of candidates for public office" after the word "activities." The seconder accepted the amendment.

After further discussion by Professors Morgan, Robinson, Perros, Sharkey, Vice President Bright, Professors Griffith, Wood, Schmidt, Pock, Allen, Highfill and Reesing, Professor Pock moved that a Paragraph 5 be added to the text of the resolution as follows:

5. Nothing contained in this resolution shall be construed as limiting the University in complying with the requirements of existing law with respect to tax-exempt institutions.

The question on Paragraph 5 was called and the amendment was passed.

Professor Kahn moved to amend Paragraph 3 of the substitute text by adding the words "on behalf of any campaigning candidate for public office," striking the words "for non-University purposes," after the word "used." Professor Robinson and the seconder accepted the amendment.

Professor Morgan moved that the word "campaign" be inserted between "political" and "activities" in the last line of the resolving clause. This was accepted by Professor Robinson and the seconder.

Vice President Bright called the question on Professor Robinson's substitute amendment and the amendment was passed.

Vice President Bright then called the question on Resolution 70/2 as amended and the resolution was passed. Copy is attached to these minutes.

- Minute 4 Professor Robinson, Professor Allen seconding, moved the adoption of Resolution 70/3. After discussion by Professors Robinson and Reesing, Professor Reesing moved, Professor Morgan seconding, the deletion of the word "respectfully."

After discussion by Professors Wood and Morgan, Vice President Bright put the question and the amendment striking the word "respectfully" passed 11 to 4.

Professor Morgan moved that the first whereas be amended to read: "Whereas the structure of governance of the University is of vital interest to the faculty of the George Washington University, and".

Professor Allen seconded, and the amendment carried with no discussion.

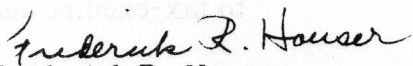
After further discussion of the resolution by Professors Hill and Highfill, Vice President Bright put the question on Resolution 70/3 as amended and the resolution was passed.

Minute 5a Professor Stevens moved the nominations and elections of the names listed in the agenda, plus Professor Gintzig to the Committee on University and Urban Affairs. All were elected unanimously.

5b Professor Stevens submitted on behalf of Professor Naeser the final report of the Special Faculty Senate Committee on Alleged Violation of Code and Ordinances. Professor Stevens reported the actual membership of the Committee, because of the unavailability of some of the members earlier elected, had been Professors Naeser (Chairman), Sharpe, Weaver, Kirsch, and R. H. Davison.

Minute 6 There were no comments or statements.

Minute 7 Vice President Bright adjourned the meeting at 3:50 p.m.


Frederick R. Houser
Secretary

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

A Resolution Concerning Guidelines for Political Campaign Activities
on behalf of Candidates for Public Office (70/2)

WHEREAS Federal Law requires that "no substantial part of the activities of" a tax exempt institution may be "carrying on propaganda, or otherwise attempting, to influence legislation" and further, that a tax exempt institution may "not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office"; and

WHEREAS the preservation of this special exclusion is vital to the existence of the University; and

WHEREAS the Federal Corrupt Practices Act makes it "unlawful" for "any corporation whatever...to make a contribution or expenditure in connection with any election" (including primaries, political conventions, etc.) for federal office (The George Washington University being a corporation); and

WHEREAS the Corrupt Practices Act carries criminal penalties not only for a corporation which violates it, but also for officers of the corporation who consent to the violation and for any person who accepts or receives any such prohibited contribution; the courts having decided that free or only partly reimbursed use of facilities or personnel constitutes such a contribution; and

WHEREAS an awareness by the University family (teaching staff, students, administrators, and employees) of the limitations on political activities which the law imposes seems necessary in order to avoid violations; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY that the following guidelines are recommended as suitably governing University staff and facilities in their relation to political campaign activities:

1. Neither the name nor seal of the University or of any of its schools or institutions should be used on letters or other written material intended for support for a political campaign on behalf of any candidate for public office, including the solicitation of funds for such purpose or activities in such a way as to imply endorsement by the University.
2. No University office and no Faculty or staff member's office should be used as a return mailing address for the solicitation of funds for political campaigns on behalf of any candidate for public office, or the solicitation of endorsement of candidates for public office.
3. Whenever University duplicating machines, computers or other equipment or supplies are used on behalf of any campaigning candidate for public office, their use must be fully compensated for from private funds.
4. No office employee nor other employee of the University should be asked to perform tasks in any way related to political campaigns for public office while on regular duty.

A Resolution Concerning Guidelines for
Political Campaign Activities on behalf of
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Page two

5. Nothing contained in this resolution shall be construed as limiting the University in complying with the requirements of existing law with respect to tax-exempt institutions.

Educational Policy Committee

September 30, 1970

Passed as amended October 9, 1970

December 7, 1970

MEMORANDUM TO THE FACULTY SENATE:

c/o Professor Edwin Stevens, Chairman, Executive Committee

Subject: Resolution 70/3

In response to the request contained in Resolution 70/3, let me respond by reporting on the status of the work of the Commission on Governance and also clarify the manner in which its final reports and/or recommendations will be considered. First of all, the Commission is now in the process of preparing a first draft of reports covering the four areas of University activity which are being considered. These are:

1. Communication: channels and media of information within the University, with particular emphasis on explanation of the reasons for policy and operational decisions.
2. Participation: the appropriate nature and extent of student and faculty participation in decision making.
3. Judicial System: mechanisms and procedural standards to establish codes of conduct and to provide equitable and reasonably prompt discipline for their violation.
4. Management and Fiscal Processes: decision-making elements of budget formulation, their relation to long-range planning, and fiscal control within the departments of the University.

As soon as these first drafts are received, it is expected that members of the Commission will proceed to the task of formulating such recommendations as they may wish to make, seeking such other advice and criticism as they deem appropriate. As soon as the Report reaches me, I shall distribute it widely in order that the faculty as well as other interested groups and individuals may have full opportunity for response. I agree completely with the position stated in

the resolution, namely, that fundamental changes in the governance of the University should not be made without prior consultation with the faculty. May I assure you, therefore, that the faculty, through the Senate or by other appropriate means, will be given full opportunity to assess such recommendations as may come from the Commission on Governance before changes will be recommended to the Board of Trustees.

Lloyd H. Elliott

cc: Provost Bright
Dr. Walther
Miss Ellison Royce ✓

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

A Resolution Concerning Faculty Consultation in University Governance (70/3)

Whereas the faculty of the George Washington University has expressed
is of vital interest to the faculty of the George Washington
a deep interest in the structure of governance of the University, and University

Whereas a Commission on Governance of the University has been established
to consider changes in this structure, and

Whereas we believe it to be appropriate that a body which acts for the faculty
be consulted prior to making fundamental changes in the governance of the
University,

BE IT THEREFORE RESOLVED BY THE FACULTY SENATE OF THE
GEORGE WASHINGTON UNIVERSITY that the Faculty Senate respectfully
requests that it be consulted for its advice and recommendations prior to action
being taken on proposals which may be made by the Commission on Governance
of the University.

David Robinson, Jr.,
Professor of Law, and
Member of the Faculty Senate

September 28, 1970

Passed as amended 10/9/70

THE GEORGE WASHINGTON UNIVERSITY
INTERDEPARTMENTAL MEMORANDUM

September 22, 1970

To: Faculty Senate
From: Special Faculty Senate Committee
Subject: Final Report on Alleged Violation of Code and Ordinances

1. The Special Committee was elected to investigate the charge by Assistant Professor Nicholas Kyriakopoulous of the School of Engineering and Applied Science that the Code and Ordinances were violated with respect to the recommendation of the Committee on Faculty Personnel of the Department of Electrical Engineering that he be promoted to associate professor and granted tenure.
2. The Special Committee was elected by the Faculty Senate at its special meeting May 22, 1970. The members were selected from those available for service by the Executive Committee of the Faculty Senate. The Special Committee also acted as delegate of the Executive Committee with respect to the question of non-concurrence of the Dean of the School of Engineering and Applied Sciences in the faculty's recommendation of promotion and tenure.
3. The Special Committee conferred at length with all of the concerned persons who were available, and it met at length between May 26 and June 19 to prepare its findings and recommendations.
4. The Special Committee sent its confidential report to the Executive Committee (in place of the Senate) on June 22. The Committee reported, first, that no "mutually satisfactory understanding or adjustment" had been reached within the terms of the Code and Ordinances, "Faculty procedures for implementation of Article 9, Section 3"; second, the Committee found no deliberate violation of the Code and Ordinances; third, the Committee recommended no formal proceedings.
5. By way of information to the Faculty Senate, the Board of Trustees promoted Professor Kyriakopoulous to associate professor and granted him continuous tenure during the summer.

For the Committee: Professor C. R. Naeser
Chairman

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.


The Faculty Senate

September 30, 1970

The Faculty Senate will meet on Friday, October 9, 1970, at 2:10 p.m., in the Faculty Conference Room on the sixth floor of the Library.

Agenda

- 1) Call to order
- 2) Minutes of the regular meeting of May 8, 1970, and the special meetings of May 22 and September 25, 1970
- 3) Reported out of Committee--
A RESOLUTION CONCERNING GUIDELINES FOR POLITICAL ACTIVITIES,
70/2 (copy attached)
- 4) Introduction of
A RESOLUTION CONCERNING FACULTY CONSULTATION IN UNIVERSITY
GOVERNANCE, 70/3 (copy attached)
- 5) General Business:
 - a) Nomination of additional appointments to Senate Committees--
Appointment, Salary and Promotion Policies--
^{Assoc.} Professor David E. Silber (Psychology) and
Associate Professor John G. Boswell (Education)
Professional Ethics and Academic Freedom--
^{Assoc.} Assistant Professor Nicholas Kyriakopoulos (Engineering)
Research--Professor Otto Bergmann (Physics)
Scholarship--Professor Robert C. Vincent (Chemistry)
University Resources--Professor Otto Bergmann (Physics)
University and Urban Affairs--Professor Daniel R. Cloutier
(Public Administration)
 - b) Final Report on Alleged Violation of Code and Ordinances, 9/22/70
- 6) Brief Statements
- 7) Adjournment


Frederick R. Houser
Secretary

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

A Resolution Concerning Guidelines for Political Activities (70/2)

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WHEREAS the Federal Corrupt Practices Act makes it "unlawful" for "any corporation whatever...to make a contribution or expenditure in connection with any election" (including primaries, political conventions, etc.) for federal office (The George Washington University being a corporation); and

WHEREAS the Corrupt Practices Act carries criminal penalties not only for a corporation which violates it, but also for officers of the corporation who consent to the violation and for any person who accepts or receives any such prohibited contribution; the courts having decided that free or only partly reimbursed use of facilities or personnel constitutes such a contribution; and

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2. No University office and no Faculty or staff member's office should be used as a return mailing address for the solicitation of funds for political purposes, or the solicitation of endorsement of candidates for public office, or support for proposed legislation.
3. In political correspondence, the University title of a Faculty or staff member should be used only for identification and only when accompanied by a statement that the individual is speaking for himself and not as a representative of the University.

4. Whenever University duplicating machines, computers or other equipment or supplies are used for political or other non-University purposes, their use must be fully compensated for from private funds.

5. No office employee nor other employee of the University should be asked to perform tasks in any way related to political activities while on regular duty.

6. In no case should any action be taken which might implicate the University in any political activities.

Educational Policy Committee
September 30, 1970